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**COPY MAILED**

OCT 01 2008

**OFFICE OF PETITIONS**

In re Application of :  
Selwood et al. : LETTER REGARDING  
Application No. 10/507,463 : PATENT TERM ADJUSTMENT  
Filed: September 10, 2004 :  
Attorney Docket No. GJE-6595 :

This is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed July 30, 2008. Applicants disclose that the patent term adjustment at the time of the mailing of the notice of allowance is one hundred seventeen (117) days, not two hundred twenty-nine (229) days.

The request for review of the patent term adjustment is **GRANTED** to the extent indicated herein.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two hundred seven (**207**) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On July 22, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 229 days. Applicants disclose that the period of 354 days entered pursuant to 37 CFR 1.702(a)(1) for failure to take

action within 14 months after the fulfillment date of the application is incorrect. Specifically, applicants disclose that the requirements of 35 U.S.C. 371 were fulfilled on October 2, 2004. Thus, the period of adjustment pursuant to 37 CFR 1.702(a)(1) is 332 days, as the first Office action was mailed 14 months and 332 days later. In addition, applicants state that a period of reduction of 90 days should have been entered as applicants requested and were granted an extension of time on April 30, 2008 to file a request for continued examination (RCE).

Applicants' disclosures have been considered. Applicants are correct as to the date of fulfillment of the requirements of 35 U.S.C. 371, and as to the period of adjustment for Office delay. The period of adjustment of 354 days has been removed, and a period of adjustment of 332 days has been entered.

However, applicants are not correct with respect to the RCE. The RCE was not filed under circumstances that constitute a failure to engage in reasonable efforts to conclude examination or processing. A period of reduction of 90 days will not be entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is two hundred seven (207) days.

As this letter was submitted as an advisement to the Office of an error in applicants' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent.

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Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

# PALM INTRANET

Time: 23:10:35

## PTA Calculations for Application: 10/507463

Application Filing Date:	09/10/2004	PTO Delay (PTO):	354
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	125
Post-Issue Petitions:	0	Total PTA (days):	207
PTO Delay Adjustment:	-22		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
62	09/30/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	332		
61	09/30/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		354	
56	07/22/2008	MAIL NOTICE OF ALLOWANCE			
55	07/22/2008	ISSUE REVISION COMPLETED			
54	07/22/2008	DOCUMENT VERIFICATION			
53	07/22/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
52	07/22/2008	CASE DOCKETED TO EXAMINER IN GAU			
51	07/21/2008	NOTICE OF ALLOWABILITY			
48	05/06/2008	DATE FORWARDED TO EXAMINER			
47	04/30/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)			
46	05/06/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
45	04/30/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
44	04/30/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
43	11/30/2007	NOTICE OF APPEAL FILED		91	36
42	11/30/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
41	11/29/2007	MAIL ADVISORY ACTION (PTOL - 303)			
40	11/26/2007	ADVISORY ACTION (PTOL-303)			
39	10/04/2007	DATE FORWARDED TO EXAMINER			
38	10/01/2007	AMENDMENT AFTER FINAL REJECTION			
37	10/01/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
36	05/31/2007	MAIL FINAL REJECTION (PTOL - 326)			
35	05/29/2007	FINAL REJECTION			

34	03/08/2007	CRF DISK HAS BEEN RECEIVED BY PREEEXAM / GROUP / PCT			
33	03/05/2007	NEW OR ADDITIONAL DRAWING FILED			
32	03/21/2007	DATE FORWARDED TO EXAMINER			
31	03/05/2007	RESPONSE AFTER NON-FINAL ACTION	34	22	
30	03/05/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
28	03/14/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
27	11/21/2006	CLEARED BY OIPE CSR			
26	11/21/2006	CLEARED BY OIPE CSR			
25	11/21/2006	CLEARED BY OIPE CSR			
24	11/21/2006	CLEARED BY OIPE CSR			
23	11/21/2006	CLEARED BY OIPE CSR			
22	10/30/2006	MAIL NON-FINAL REJECTION	354		-1
21	10/16/2006	NON-FINAL REJECTION			
20	12/10/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	10/16/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
18	04/11/2005	PRELIMINARY AMENDMENT			
15	03/29/2006	CASE DOCKETED TO EXAMINER IN GAU			
11.7	12/10/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	12/10/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	09/10/2004	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
9	09/10/2004	PRELIMINARY AMENDMENT			
8	10/02/2004	371 COMPLETION DATE			
7	09/07/2005	APPLICATION DISPATCHED FROM OIPE			
6	09/07/2005	NOTICE OF DO/EO ACCEPTANCE MAILED			
5	09/10/2004	ADDITIONAL APPLICATION FILING FEES			
4	09/10/2004	CRF DISK HAS BEEN RECEIVED BY PREEEXAM / GROUP / PCT			
3	06/17/2005	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
2	02/15/2005	SEQUENCE DISCLOSURE PROBLEMS			
1	09/10/2004	INITIAL EXAM TEAM NN			